

## **REMARKS**

The Examiner is thanked for the final Office Action mailed November 25, 2008. The status of the application is as follows:

- Claims 1-5, 19-21 and 28-30 are pending;
- Claims 1-5 and 19-21 are allowed; and
- Claims 28-30 are rejected under 35 U.S.C. 112, first paragraph.

The rejection is discussed below.

### **The Rejection of Claims 28-30 under 35 U.S.C. 112, first paragraph**

Claims 28-30 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, the Office asserts that the term “a program product” as claimed in claims 28-30 is not described in the specification.

Applicants respectfully request withdrawal of this rejection as the specification has been amended herein to at least include original claim 28, which recites the term “a program product.” (See M.P.E.P. 2163.06, III “The claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985)”).

**Conclusion**

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. Therefore, reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

Date: April 16, 2009

By: /Anthony M. Del Zoppo, III/  
Anthony M. Del Zoppo, III, Reg. No. 51,606  
**CUSTOMER NO. 56687**

AMD:cg